

ORIGINAL

FILED

12/01/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 16-0505

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 16-0505

SHAWNA KNUDSON ROTHWELL
and LEANNE KNUDSON BAILLY,

Appellees/Plaintiffs,

v.

ERICKSON PETROLEUM
CORPORATION,

Appellant/Defendant,

and

KELLER TRANSPORT, INC.;
WAGNER ENTERPRISES, LLC; and
JOHN DOES I-V,

Defendants.

ORDER DISMISSING APPEAL

FILED

DEC - 1 2016

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Appellees/Plaintiffs Shawna Knudson Rothwell and Leanne Knudson Bailly and Appellant/Defendant Erickson Petroleum Corporation have reached a full and final settlement of all claims between them and have moved the Court to direct the District Court to enter a judgment of dismissal, with prejudice and on the merits, with each party to bear its own costs and attorney fees.

Defendant Keller Transport, Inc.¹ did not appeal from the orders denying motions for substitution of judge at issue in this matter and has moved the Court to remand for further proceedings as between it and Appellees/Plaintiffs.

¹ Defendants Wagner Enterprises, LLC has not appeared in the Supreme Court or the District Court.

IT IS HEREBY ORDERED that the motion is **GRANTED**. This appeal is **DISMISSED**. The matter is remanded to the District Court, which is directed to enter a judgment of dismissal as between Plaintiffs Rothwell and Bailly and Defendant Erickson Petroleum Corporation, with prejudice and on the merits, with each party to bear its own costs and attorney fees. Jurisdiction is returned to the District Court for further proceedings between Plaintiffs Rothwell and Bailly and Defendants Keller Transport, Inc. and Wagner Enterprises, LLC.

DATED this 1st day of December, 2016.

Patricia Potter

Acting Chief Justice